



November 29, 2018

**Via ECFS**

Ms. Marlene H. Dortch  
Secretary  
Federal Communications Commission  
445 12th Street, SW  
Washington, DC 20554

*Re: Petition of USTelecom for Forbearance Pursuant to 47 U.S.C. § 160(c) to Accelerate Investment in Broadband and Next-Generation Networks, WC Docket No. 18-141*

Dear Ms. Dortch:

In accordance with the *Protective Order*<sup>1</sup> for the above-referenced proceeding, Sonic Telecom, LLC (“Sonic”) herein submits a redacted version of the attached ex parte in the above-referenced proceeding.

Sonic has designated for highly confidential treatment the marked portions of the attached documents pursuant to the *Protective Order*.

Pursuant to the *Protective Order*, Sonic is filing a redacted version of the documents electronically via ECFS, one copy of the documents containing the highly confidential information with the Secretary’s Office, and sending two copies of the documents containing the highly confidential information to Pamela Megna, Competition Policy Division, Wireline Competition Bureau.

Please contact me if you have any questions.

Sincerely,

A handwritten signature in blue ink, appearing to read "J. Veach".

Julie A. Veach  
*Counsel to Sonic Telecom, LLC*

Attachment

cc: Pamela Megna

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<sup>1</sup> *Petition of USTelecom for Forbearance Pursuant to 47 U.S.C. § 160(c) to Accelerate Investment in Broadband and Next-Generation Networks, WC Docket No. 18-141, DA 18-575 (Wireline Comp. Bur. rel. June 1, 2018) (“Protective Order”).*

**REDACTED – FOR PUBLIC INSPECTION**

November 29, 2018

**Ex Parte**

Ms. Marlene H. Dortch  
Secretary  
Federal Communications Commission  
445 12th Street, SW  
Washington, DC 20554

Re: *In re Petition of USTelecom for Forbearance Pursuant to 47 U.S.C. §160(c) to Accelerate Investment in Broadband and Next-Generation Networks (WC Docket No. 18-141)*

Dear Ms. Dortch:

On November 27 and 28, 2018, Dane Jasper, CEO of Sonic Telecom, LLC (“Sonic”), Karen Reidy of INCOMPAS, and the undersigned met with several Commission staff members regarding the pending USTelecom petition for forbearance from unbundling and resale obligations.<sup>1</sup> On November 27, Mr. Jasper, Ms. Reidy, and I met with Jamie Susskind, Chief of Staff to Commissioner Carr. Separately, Mr. Jasper and I met with Travis Litman, Chief of Staff and Senior Legal Advisor to Commissioner Rosenworcel. Mr. Jasper, Ms. Reidy, and I also met with several staff from the Wireline Competition Bureau: Terri Natoli, Eric Ralph, Pamela Arluk, Michele Levy Berlove, Claudia Pabo, Edward Krachmer, and Benjamin Plante (intern). Pam Megna and Megan Capasso participated by telephone. On November 28, Mr. Jasper, Ms. Reidy and I met with Nirali Patel, Wireline Advisor to Chairman Pai. Separately, we met with Arielle Roth, Wireline Legal Advisor to Commissioner O’Rielly. We also participated in a follow-up meeting with staff from the Wireline Competition Bureau: Terri Natoli, Eric Ralph, Claudia Pabo, and Edward Krachmer, as well as Pam Megna and Michele Levy Berlove by telephone.

Using the attached mapping illustrations, Sonic explained how granting the Petition would impair 5G deployment. As Chairman Pai has explained, “5G infrastructure isn’t just about small cells; it’s also about backhaul. Densified networks will require much more fiber. . . . For all the spectrum we devote to 5G won’t be put to good use if the physical networks to carry

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<sup>1</sup> Petition of USTelecom for Forbearance Pursuant to 47 U.S.C. § 160(c) to Accelerate Investment in Broadband and Next-Generation Networks, WC Docket No. 18-141 (filed May 4, 2018) (“Petition”).

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5G traffic are never built.”<sup>2</sup> Commissioner Carr too has remarked that “we’re pushing to this small cell world, but you need high-speed wired connections to all these small cells to carry that traffic. So while we talk about a 10- to 100-fold increase in the number of small cells, we also need many, many miles of new fiber and other high-speed connections to make the network function.”<sup>3</sup> Sonic is building precisely the network that Chairman Pai and Commissioner Carr describe—a fiber network that touches or passes all the poles, street lights, and rooftops in a neighborhood, where small cells can be installed. This kind of network is ideal to support 5G in addition to voice and gigabit-speed Internet service to residential users.<sup>4</sup> Other fiber networks are less well suited to support 5G. Competitive fiber providers not using UNEs focus on dense and revenue-rich business and financial districts or have deployed to sparsely-placed cell towers.<sup>5</sup> Neither offers the backhaul-to-every-street-corner that a dense 5G network will need.

Yet as Sonic has explained in its prior filings,<sup>6</sup> unbundled bare copper loops and dark fiber transport enable it to deploy fiber, and without access to those unbundled elements, Sonic’s ability to deploy that fiber would be severely impaired. In each neighborhood where it has deployed fiber-to-the-premises, Sonic has followed the same simple model: collocate in the incumbent LEC’s central office and connect it to the rest of Sonic’s network using unbundled dark fiber transport. Lease unbundled bare copper loops and attach electronics to provide service of up to 100 Mbps symmetrical or 400 Mbps/50 Mbps asymmetrical using e.SHDSL, VDSL2, or ADSL2+ technologies, as well as feature-rich POTS. After establishing a customer base, deploy

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<sup>2</sup> Remarks of Chairman Ajit Pai at the Mobile World Congress, Barcelona, Spain (Feb. 26, 2018), *available at* <https://www.fcc.gov/document/chairman-pai-remarks-mobile-world-congress>.

<sup>3</sup> The Future of 5G: A Fireside chat with FCC Commissioner Brendan Carr, The Brookings Institution, at 5 (June 26, 2018), *transcript available at* [https://www.brookings.edu/wp-content/uploads/2018/07/gs\\_20180626\\_5g\\_carr\\_transcript.pdf](https://www.brookings.edu/wp-content/uploads/2018/07/gs_20180626_5g_carr_transcript.pdf).

<sup>4</sup> See the Attachment at page 6, which shows Sonic’s grid-like fiber deployment in the Sunset District—a residential area of San Francisco.

<sup>5</sup> See the Attachment at pages 2 and 3, which shows Zayo’s dense fiber deployment in the business districts of San Francisco and Oakland versus the limited deployment in the residential Sunset District. Similarly, Crown Castle’s San Francisco deployment on pages 4 and 5 reflects its deployment in residential areas to specific, sparsely-placed cell towers.

<sup>6</sup> See Opposition of Sonic Telecom, LLC to Petition for Forbearance of USTelecom, WC Docket No. 18-141 (filed Aug. 6, 2018); Reply of Sonic Telecom, LLC to Comments Addressing Petition for Forbearance of USTelecom, WC Docket No. 18-141 (filed Sept. 5, 2018); Letter from Julie A. Veatch, Counsel to Sonic Telecom, LLC to Marlene H. Dortch, Secretary, FCC, WC Docket No. 18-141 (filed Oct. 15, 2018).

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fiber. Transition the customers off copper to fiber. Offer 1 Gbps service plus feature-rich voice service for \$50/month—the same price the customer paid for service over copper.<sup>7</sup>

Granting the Petition would put the brakes on or end this fiber deployment by Sonic and others that use unbundled network elements as a bridge to fiber. It would, therefore, also harm the country in the race to 5G. 5G needs precisely the kind of fiber networks that access to unbundled copper and dark fiber transport enables. The Commission should deny the Petition in order to foster fiber deployment and support 5G.

Sonic also pointed to other filings in the record that show how the use of unbundled network elements supports fiber deployment. The Brattle Group analysis of three sample CLECs shows that, according to Form 477 data as of December 2016, the CLECs deployed more fiber in the census blocks where they report service than either the ILEC or cable provider.<sup>8</sup> Other CLECs that use UNEs as a stepping stone to deploying fiber have declared under penalty of perjury that without access to UNEs, they would face serious setbacks or be unable to continue doing so.<sup>9</sup>

In addition, Sonic clarified its use of dark fiber transport UNEs. As required by the Commission's rules, one end of the dark fiber is always in a Tier 3 central office—the most rural category of central office.<sup>10</sup> Sonic uses unbundled dark fiber transport to connect its equipment in one central office to its equipment in another. The transport carries voice and Internet traffic from the central office serving the customer to its destination, whether that is the premises of another Sonic customer, a point of interconnection with another provider, or an Internet peering point in San Jose or elsewhere. Sonic's transport network includes central offices in rural areas (Tier 3) as well as more urban ones (Tiers 1 and 2). Sonic offers its voice and broadband services to customers served by *every* central office in which it collocates, including Tier 3. Sonic explained that even if it served customers only from Tier 3 offices, it would need dark

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<sup>7</sup> Pages 10 through 13 of the Attachment depict a typical progression from collocation to use of leased copper to fiber deployment and migration, using the East Bay area as an example.

<sup>8</sup> See Declaration of William P. Zarakas, ¶ 5 Table 1, Attachment 2 to the Opposition of INCOMPAS, FISPA, Midwest Association of Competitive Communications, and the Northwest Telecommunications Association, WC Docket No. 18-141 (filed Aug. 6, 2018) (“Competitive Carriers Group Opposition”).

<sup>9</sup> See, for example, the following attachments to the Competitive Carriers Group Opposition: Declaration of Dan Bubb (Gorge Networks) ¶ 8; Declaration of Fletcher Kittredge (GWI) ¶ 9; Declaration of Jeff Buckingham (Digital West) ¶ 8.

<sup>10</sup> See 47 C.F.R. § 51.319(d)(2)(iv).

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Ms. Marlene H. Dortch

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fiber transport to carry their traffic to peering points and points of interconnection, which are typically located in areas served by Tier 1 and Tier 2 offices.

Please contact me if you have any questions.

Sincerely,



Julie A. Veach

*Counsel to Sonic Telecom, LLC*

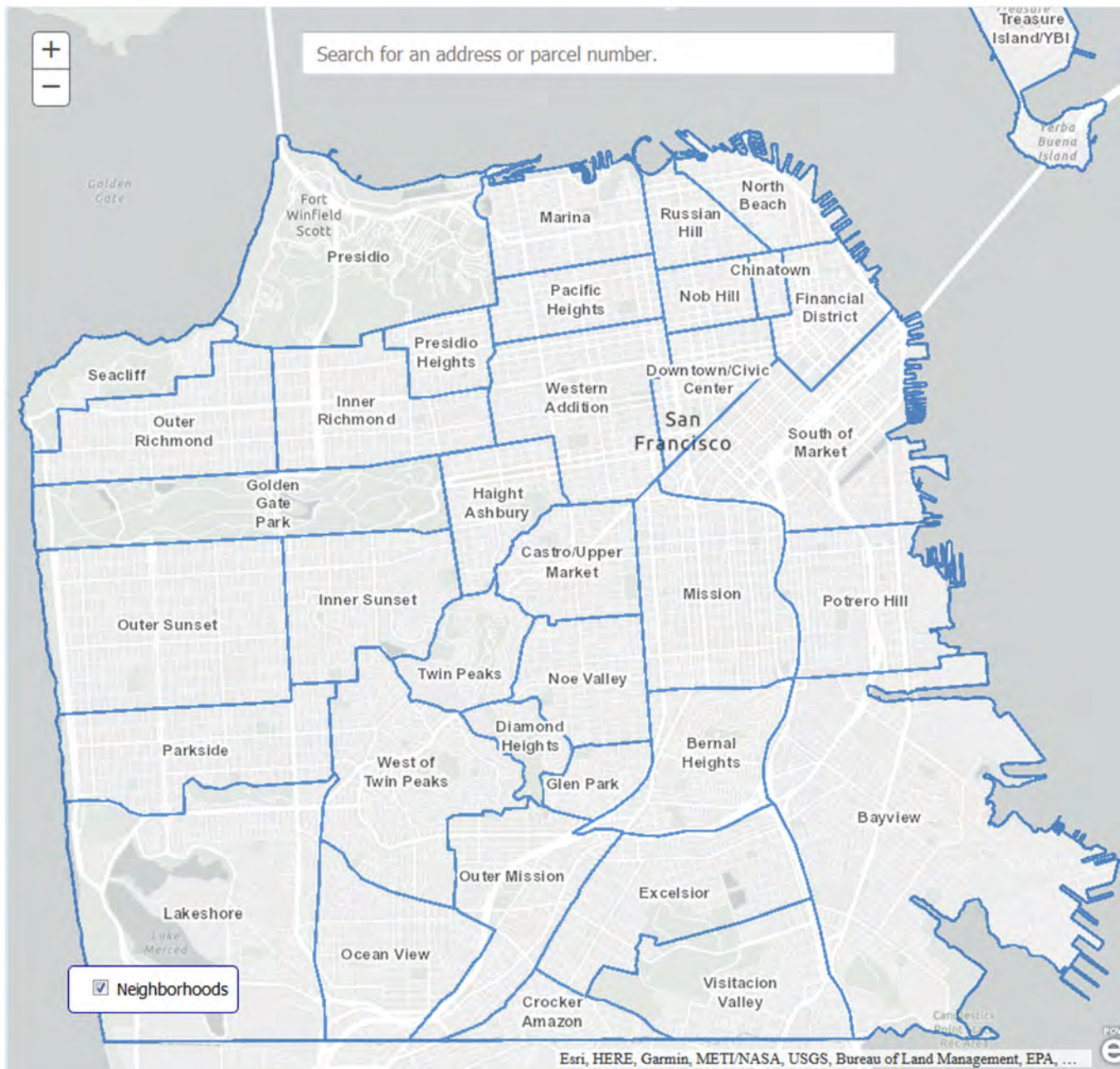
cc: Nirali Patel  
Arielle Roth  
Jamie Susskind  
Travis Litman  
Terri Natoli  
Eric Ralph  
Pam Arluk  
Michele Levy Berlove  
Megan Capasso  
Edward Krachmer  
Pam Megna  
Claudia Pabo  
Benjamin Plante

**Mapping Illustrations**

**Sonic Ex Parte Meetings of November 27 and 28, 2018**

**WC Docket No. 18-141**

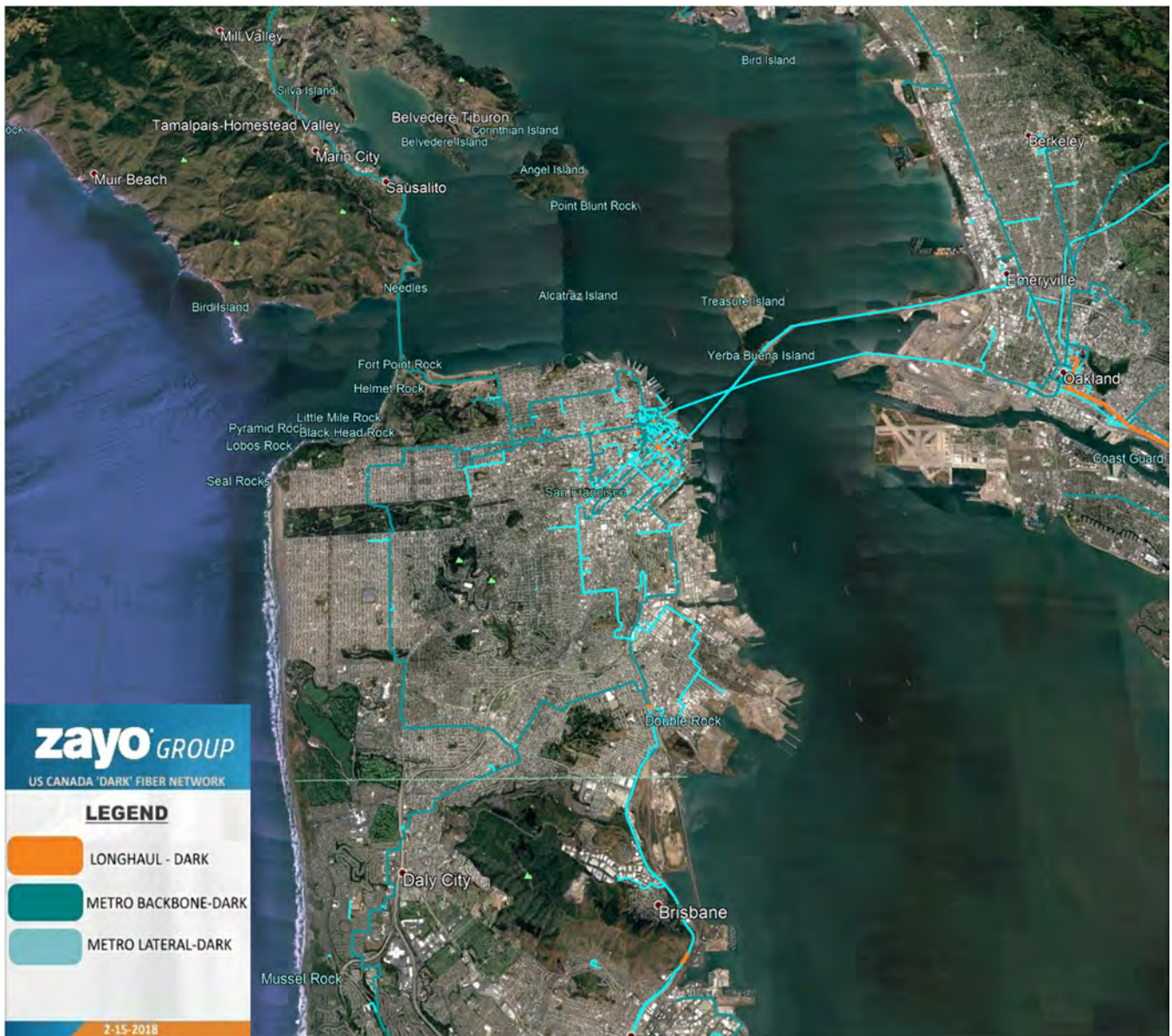
Mapping Illustrations



Neighborhoods of San Francisco. Downtown/Financial district is in the northeast.



## Zayo Group Fiber

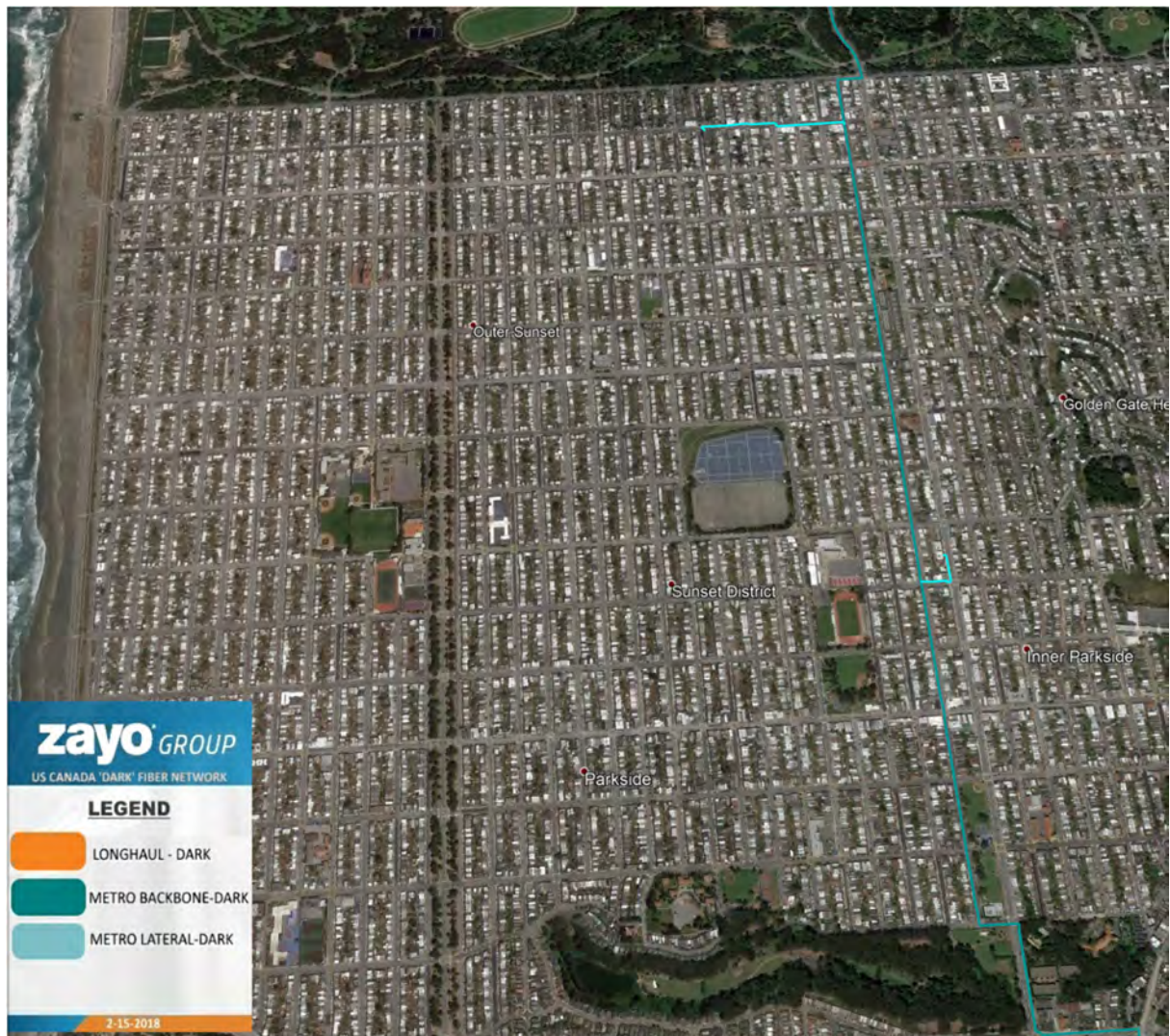


source: <https://www.zayo.com/solutions/global-network/building-lists-kmz-files/>

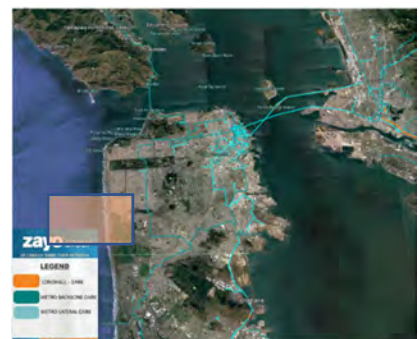
Zayo Group fiber, focused on business districts of San Francisco and Oakland



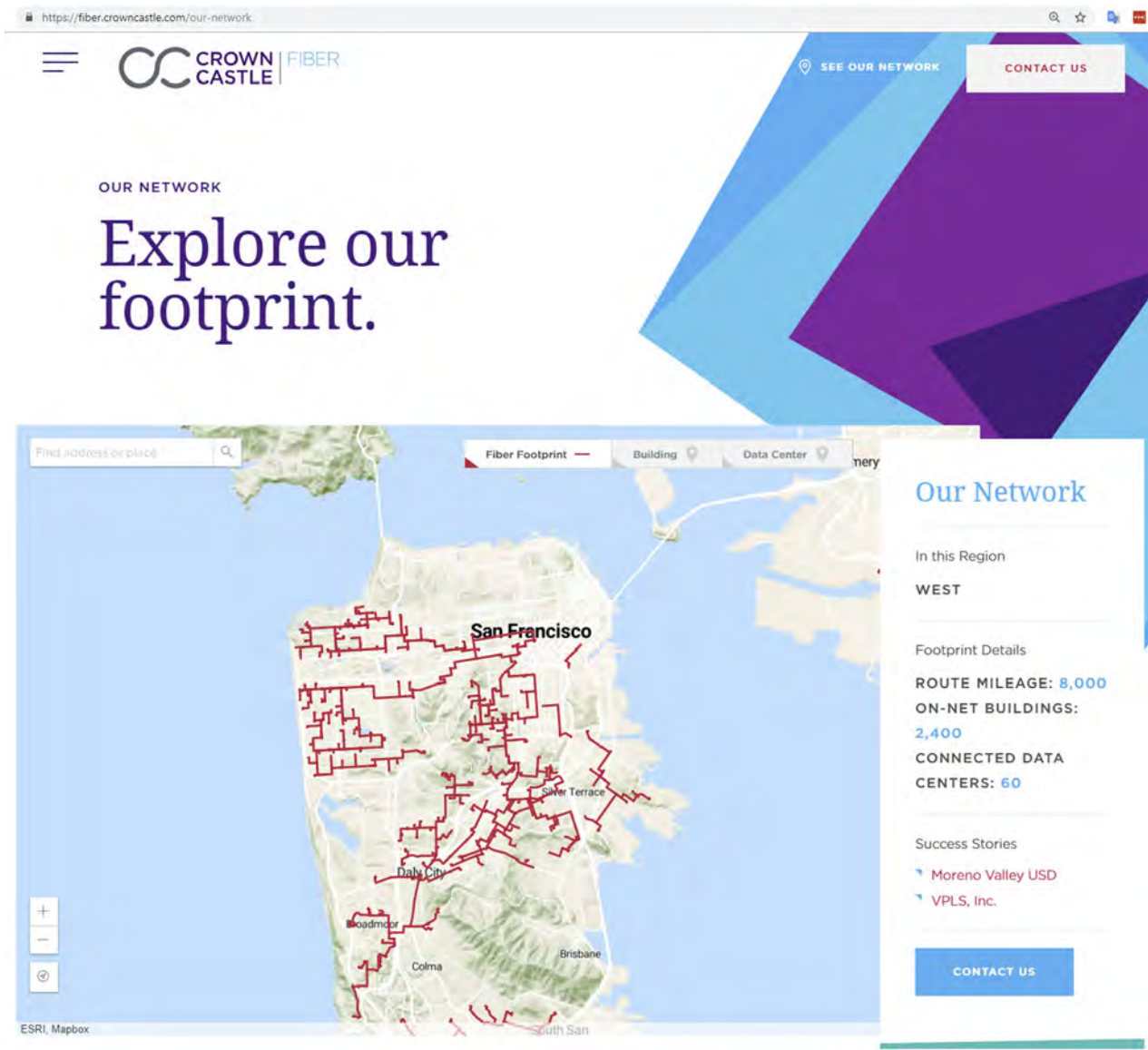
## Zayo Group Fiber



This is a close up of Zayo's fiber in the Sunset District. Zayo's suburban/residential coverage is limited.



Crown Castle—San Francisco Fiber

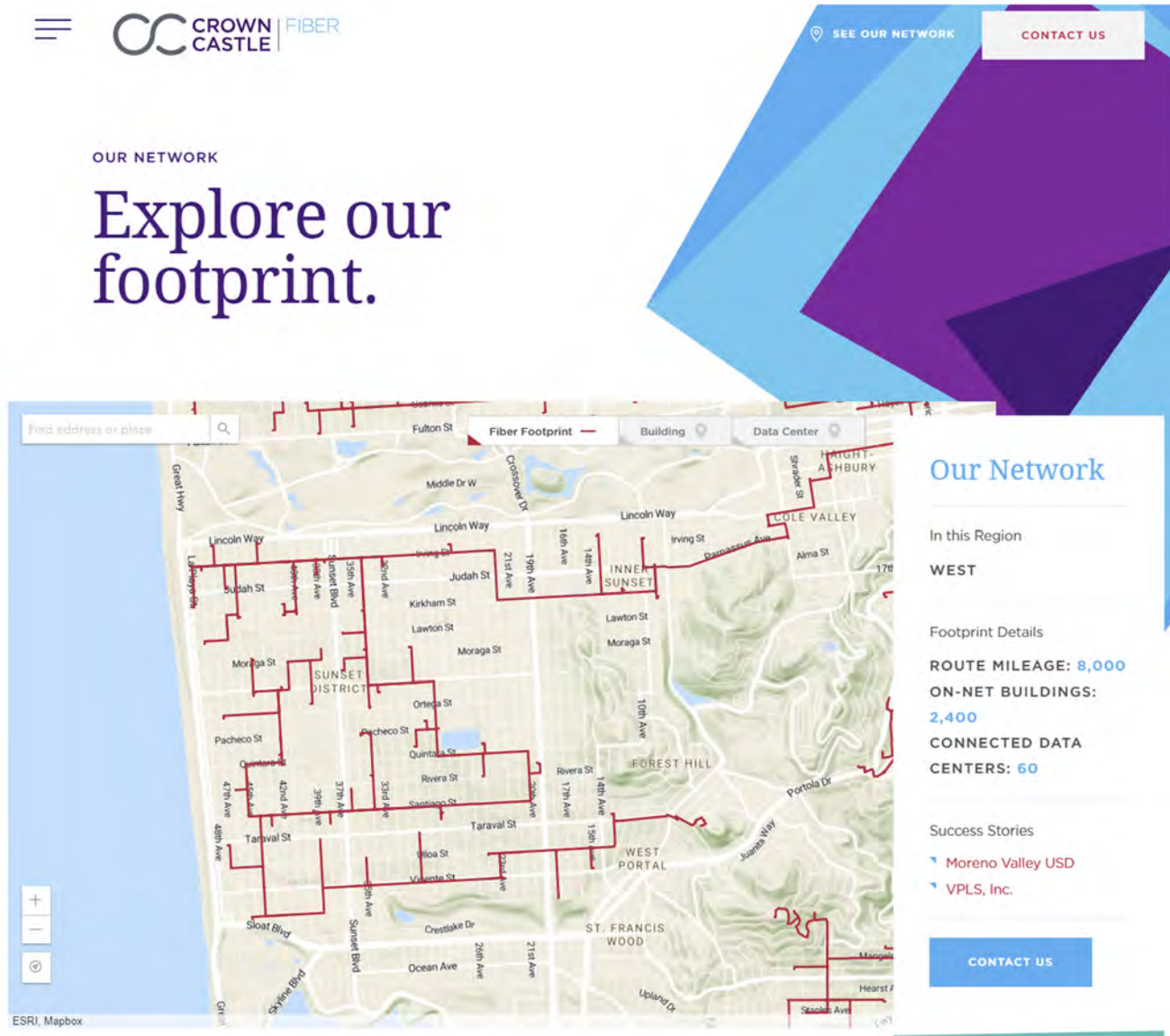


source: <https://fiber.crowncastle.com/our-network>

Crown Castle network map, fiber deployment focused on cell sites, including in residential areas.



## Crown Castle Fiber



Crown Castle detail in Sunset District (primarily residential) shows current cell density. 5G will require substantially more cell sites.



### Sonic Fiber



This map shows Sonic's fiber deployment in the same area – Sunset District. Sonic's UNE-evolved fiber deployment is ideal for a 5G future: a new fiber grid reaching virtually every potential 5G cell site.



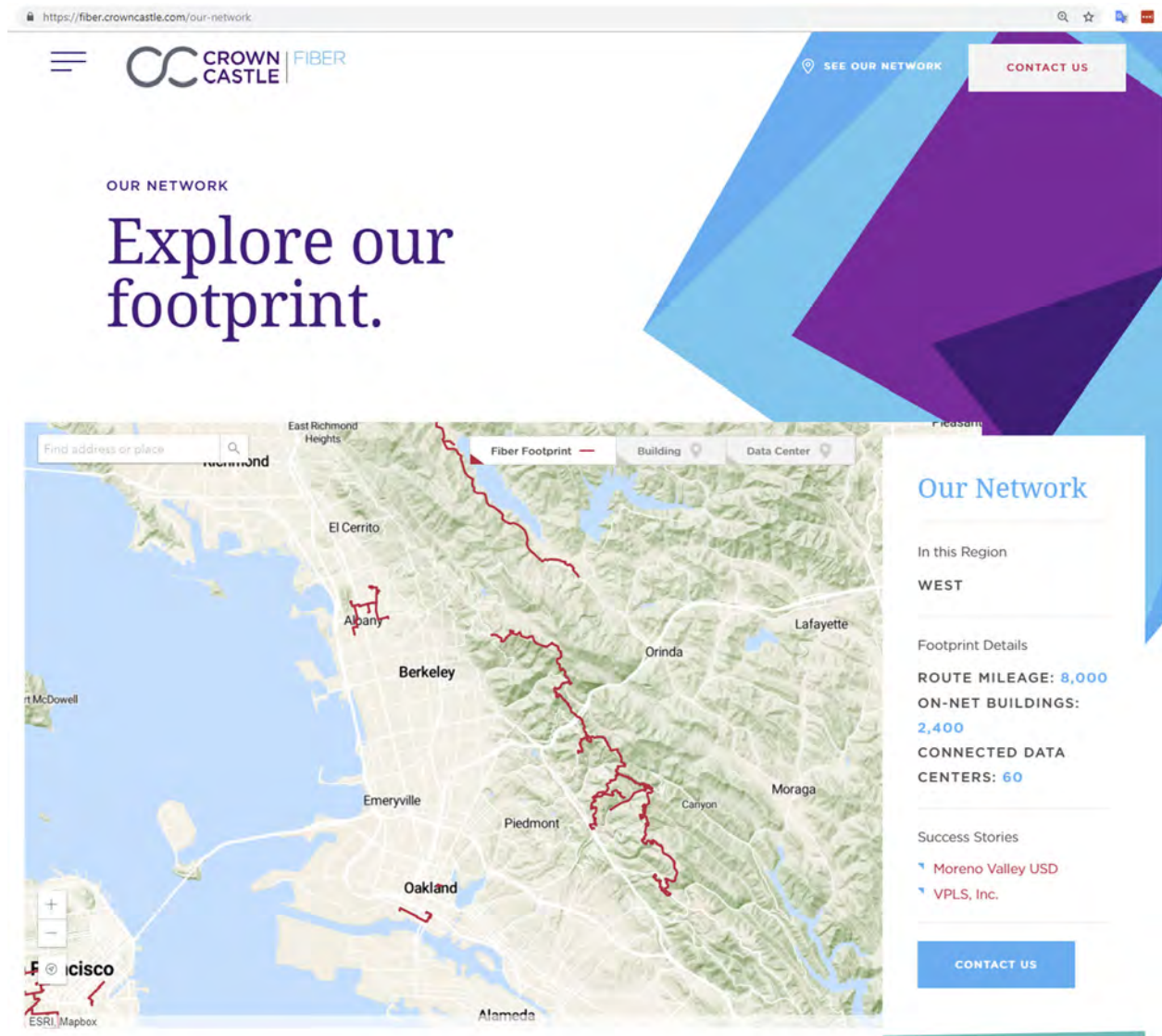
**Sonic Fiber –San Francisco and East Bay**



Regional view of Sonic fiber network grids. Note residential focus, driven by UNE-to-fiber evolution.

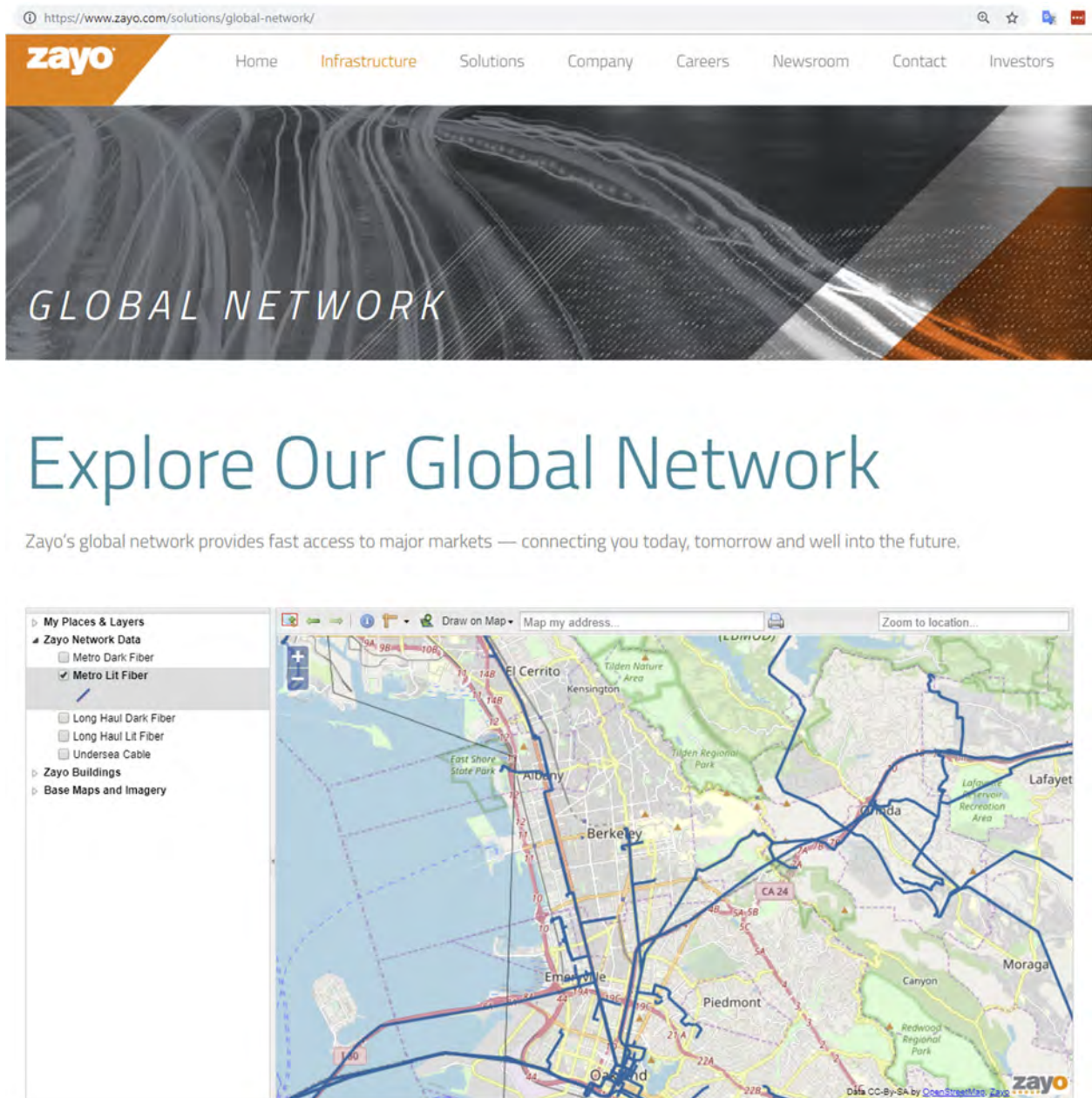


## Crown Castle Fiber



Crown Castle East Bay fiber.

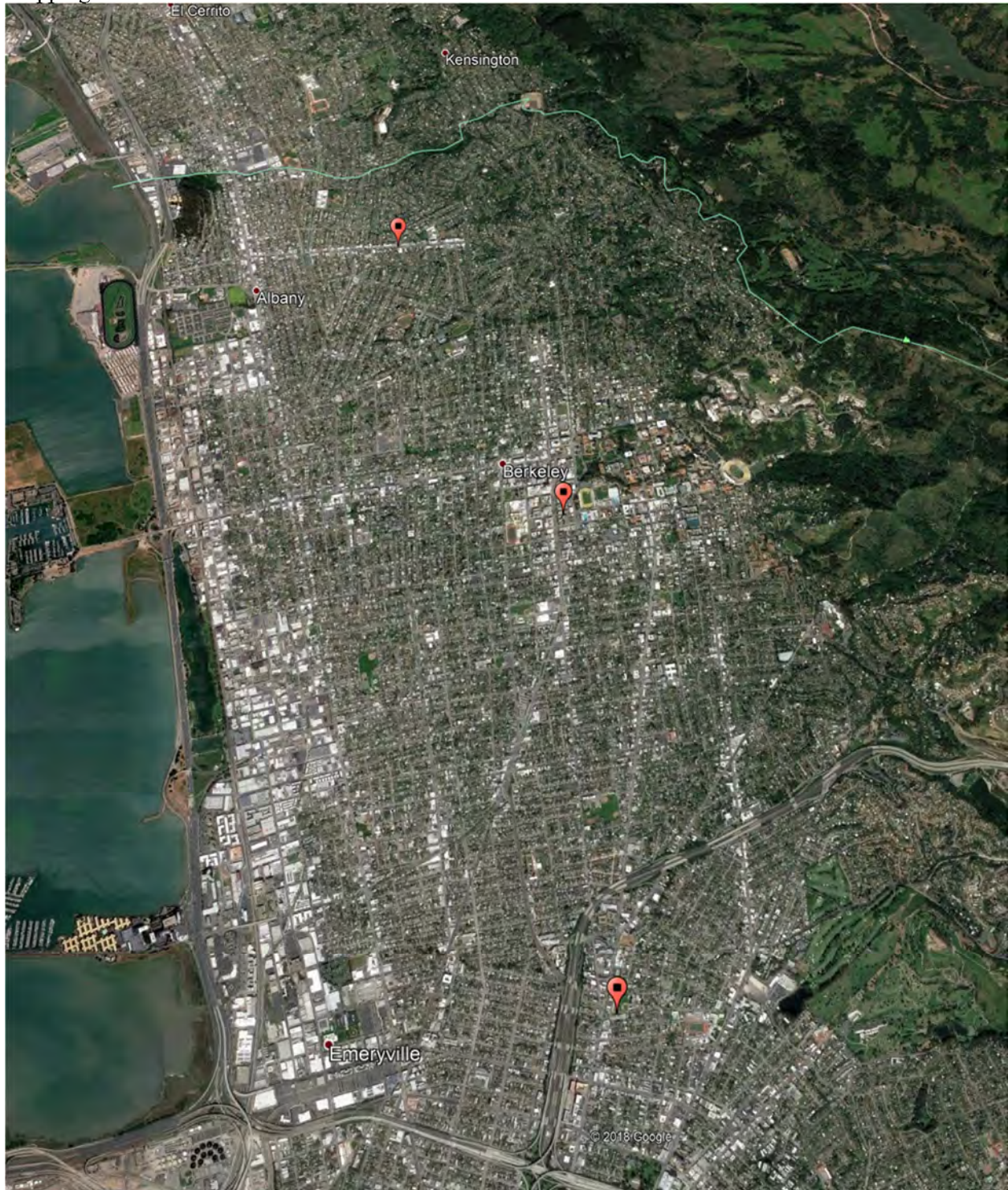
## Zayo Fiber –East Bay



Zayo Group East Bay fiber is widely deployed in downtown Oakland, but limited elsewhere.

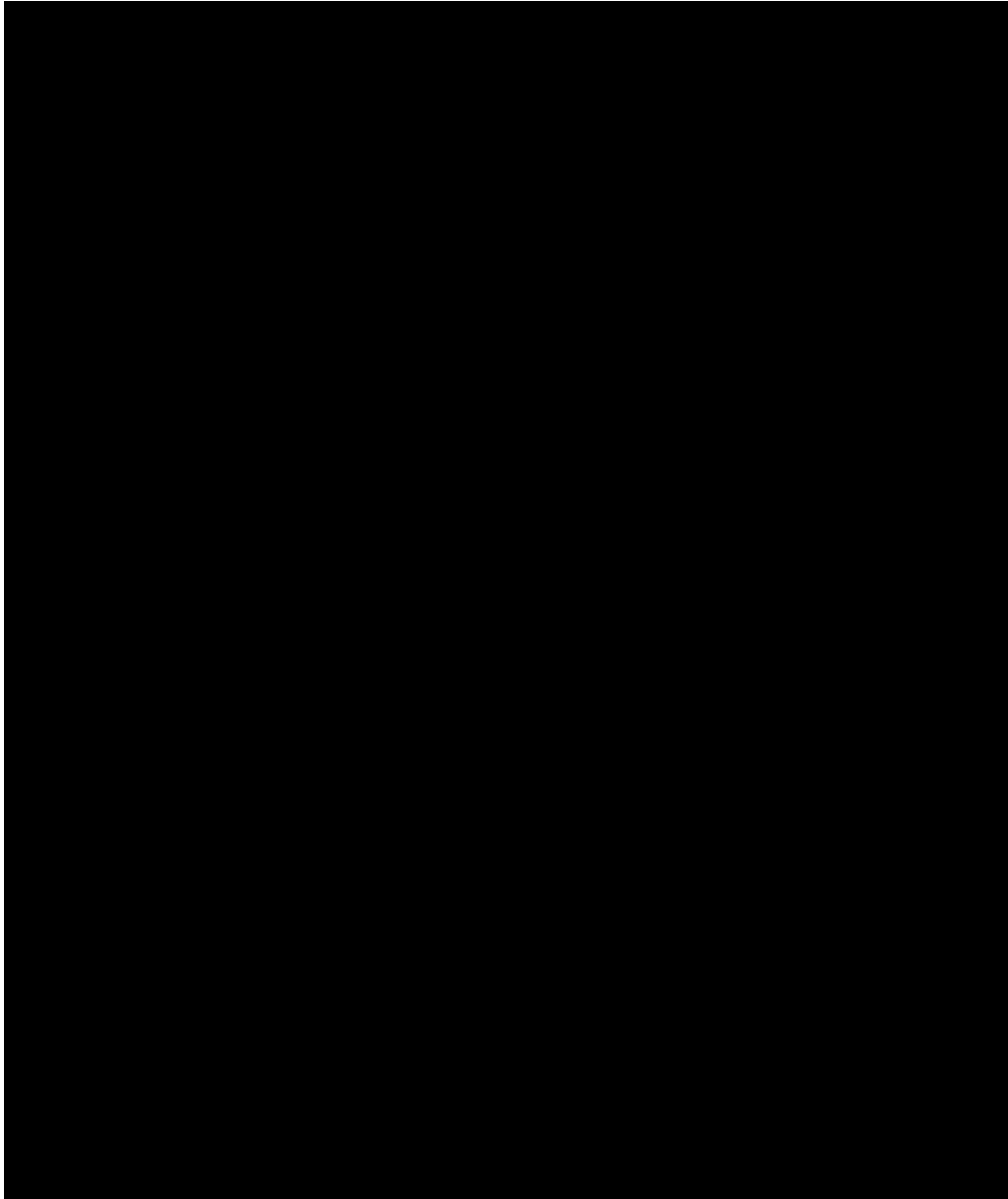


Mapping Illustrations



ILEC central office locations in the East Bay region.

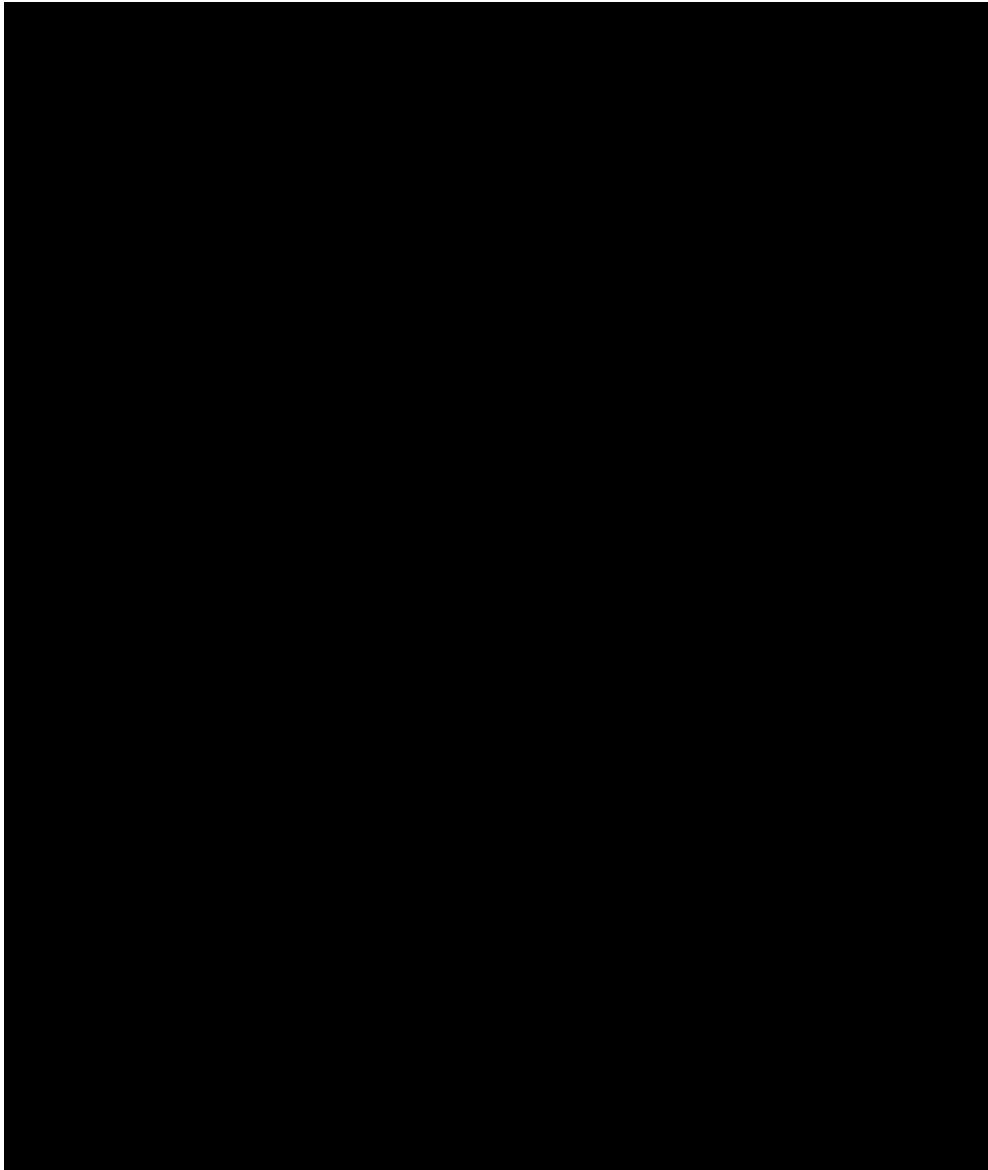
**Sonic Fiber –East Bay**



Sonic UNE copper-served locations served out of ILEC COs.

Mapping Illustrations

**Sonic Fiber –East Bay**

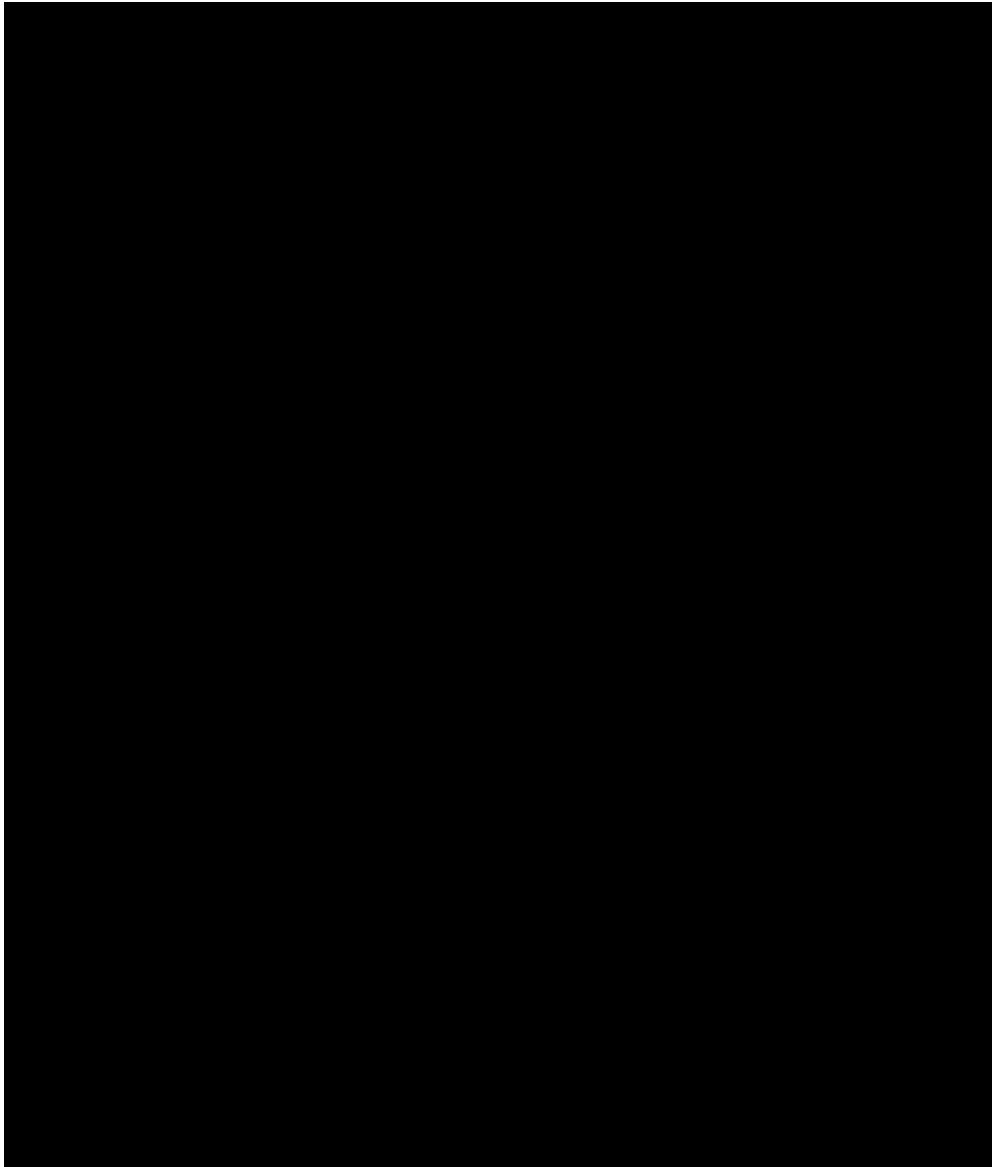


Sonic East Bay fiber grid deployment, enabled by UNE DS0 copper and interoffice dark fiber.



Mapping Illustrations

**Sonic Fiber –East Bay**



Resulting Sonic fiber grid, with new fiber locations (green points) and remaining UNE locations (red points).